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Attorneys for Emanation Communications Group LC

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

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| <p>LEX VEST LTD, a Nevada limited liability company;</p> <p>Plaintiff,</p> <p>v.</p> <p>EMANATION COMMUNICATIONS GROUP LC, a Utah limited liability company; DOES 1 through 50; and ROE ENTITIES 51 through 100, inclusive,</p> <p>Defendants.</p> | <p>Case no. 2:22-cv-01226-ART-BNW</p> <p>DEFENDANT'S MOTION AND MEMORANDUM FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT</p> <p>First request for extension</p> |
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MOTION

Pursuant to Fed. R. Civ. P. 6 (b), Defendant Emanation Communications Group LC (ECG) hereby moves for request for extension of time in which to respond to Plaintiff's Complaint.¹ ECG now requests an extension to September 29, 2022.

This is the first request for extension of time to respond to the Plaintiff's Complaint; no previous extension has been requested or granted for responding to the Complaint.

MEMORANDUM

Fed. R. Civ. P. 6 (b) authorizes the Court to extend time for court proceedings for good cause shown.

The good cause and reason for the needed extension are the status of this litigation, and the related Utah litigation, including ECG's obligations in this case and in the Utah litigation.

Without notice and on Friday, August 26, 2022, ECG was served with a TRO order and a receivership order obtained by Intervenor *ex parte* in the Utah litigation.

ECG was also notified on Friday 26, August 2022 of a hearing for preliminary injunction set for Monday, August 29, 2022, at 9:00 am in the Utah litigation. At the preliminary injunction hearing, the *ex parte* TRO order and *ex parte* receivership order were vacated and ECG was required to prepare for an inspection of ECG records by Plaintiffs Wednesday, August 31, 2022 at 9:00 am. ECG and counsel for ECG have been engaged full-time+ responding to *ex parte* orders and follow-on obligations in the Utah litigation from Friday, August 26 through the present.

¹ Counsel for Defendant sought a stipulation for extension of time from Lex Vest via phone call and email. That stipulation was not forthcoming in the time available to counsel for ECT to seek this extension.

In the Utah litigation, the Intervenor continue to request the appointment of a receiver over ECG. The evidentiary hearing is scheduled for that request in the Utah litigation on September 20, 2022. ECG and counsel are heavily engaged in preparing evidence and witnesses for that hearing.

In this case, Defendant is ordered to file a response to Plaintiff's motion for TRO by September 9, 2022. ECG and counsel are now laboring to analyze and respond to Plaintiff's TRO motion in case, including jurisdictional issues, before Plaintiff's file a supplemental brief on jurisdiction. This obligation substantially engages ECG and counsel now and until that deadline.

Also, ECG and related entities have made their business records accessible to Intervenor John Karony for inspection and copying.

ECG and counsel have other prior obligations that must also be addressed.

These and other issues related to Plaintiff's TRO motion, including jurisdiction, and relating to issues related to Intervenor all impact the timing, scope and content of any Rule 12 response of Defendant to Plaintiff's Complaint.

It now appears that this Court's hearing on Plaintiff's motion for TRO will be mid-October 2022. There is plenty of time for pleading in this case.

Based upon an August 16, 2022, service. ECG's response to Plaintiff's Complaint (ECF Doc. No. 1) is Tuesday, September 6, 2022.

ECG request the Court to grant ECG an extension of time up to September 29, 2022, in which to respond to Plaintiff's Complaint.²

Respectfully requested this 6th day of September 2022.

² A Proposed Order granting the motion is attached as Exhibit 1 hereto.

ORDER

IT IS ORDERED that ECF No. 19 is GRANTED for good cause shown. Counsel is advised, however, to comply with Local Rule IA 10-1 going forward.

IT IS SO ORDERED

DATED: 11:30 am, September 07, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

DUREN IP

/s/ Todd E. Zenger

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CERTIFICATE OF SERVICE

I certify that the foregoing paper was filed using the Court CMF electronic filing system this 6th day of September 2022, thereby causing service upon the following with Ms. Renneker being served a copy separately at the email below:

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